

Remarks

Claims 1-21 are pending in the application. All claims stand rejected. By this paper, claims 12-15 have been amended. Claims 18, 20, and 21 have been cancelled. Reconsideration of all pending claims is respectfully requested.

35 U.S.C. § 102

Claims 1-21 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,351,467 to Dillon ("Dillon").

Claim 1 recites the limitation of a "processor selecting and extracting a subset of multimedia streams of said plurality of multimedia streams." For this limitation, the Office Action cites to column 16, lines 20-67 of Dillon. Dillon discloses a Package Receiver that "processes received packets from subscribed-to channels via the multicast receiver 54 and reassembles the packages from those packets." Column 16, lines 36-39. However, there is absolutely no mention of selecting and extracting a subset of received and demodulated multimedia streams. Rather, Dillon teaches that all received packets are processed and stored.

Dillon teaches that only packets from subscribed channels are received and that all of these are processed. The selection and extraction of a subset are explicitly claimed and are not taught in Dillon. There is no discussion in Dillon of selecting one stream over another stream as all received packets are processed.

Claim 12 recites "receiving a broadcast and retention fee from an advertiser desiring to distribute designated digital information." Support for this amendment is found at page 34, line 10 to page 35, line 19 of the specification.

The advertiser pays for the opportunity to have its digital information stored in receivers. This is not equivalent to a user subscribing to a channel. Dillon teaches user subscription to receive channels. Dillon also teaches revenue generation by having a website record hits. Dillon does not teach collecting a fee from an advertiser paying to distribute digital information and broadcasting and caching this same digital information. Accordingly, Dillon fails to anticipate the limitations of claim 12.

Claim 13 recites that an advertiser pays a fee related to an amount of time that the digital information will be cached in the broadcast receiver systems. For this limitation, the Office Action cites to usage reporting in column 24, lines 45 to column 25, line 12 and column 27, line 55 to column 28, line 35. The cited passages discuss revenues being generated based on a website recording hits such as: (i) the number of hits a site receives, or (ii) a forecast of anticipated hits. Column 24, lines 55-64. There is absolutely no discussion of fees related to the amount of time that digital information is cached in a receiver system. Dillon completely fails to disclose this limitation.

A website recording hits for compensation is not the same as compensation based on the amount of time digital information is cached. Time-based caching and website hits are completely different revenue models. A website may record numerous hits to generate significant revenues, yet there is no tracking of how long information remains cached in a receiver. A receiver may cache digital information for an extended period of time to generate revenue, but this does not depend on the number of hits to a website. Claim 13 recites a revenue model that is not taught by

Dillon. The well-established revenue model of recording website hits for compensation fails to teach time-based caching of digital information in a receiver.

Claim 14 recites that advertiser pays a fee related to an amount of said designated digital information. Dillon teaches fees based on channel subscription. Channel subscription provides unlimited access and is not based on an amount of digital information. Furthermore, a user pays a subscription fee to view, whereas claim 14 recites an advertiser paying a fee to distribute. Dillon further discloses revenue based on reporting website hits. Recording the number of website hits does not satisfy the requirement of a fee based on an amount of cached digital information. When tracking the number of website hits, the amount of digital information downloaded is irrelevant. Recording an amount of cached digital information is independent of the number of hits to a website. A large or small amount of digital information may be downloaded in a single website hit. This limitation is not met by Dillon.

Claim 15 recites the limitation of caching a subset of popular multimedia streams in a cache in the data broadcast receiver system. As with claim 1, Dillon does not teach or discuss caching or otherwise selecting a subset of multimedia streams. Rather, Dillon teaches that all incoming data streams are processed.

As amended, claim 15 incorporates the former limitations of claim 18. Claim 15 recites searching a cache and a server system for matching multimedia streams that match a query. For this limitation, the Office Action cites to Figure 8 and column 22, lines 18-61 for content matching. The cited passage in Dillon discloses finding URLs in a cache. A URL is not a multimedia stream. Streaming media is defined as

media that is consumed while it is being delivered to provide a media experience. <http://en.wikipedia.org>. A media stream is advantageous because the media may be played as the stream arrives rather than requiring an entire download before play begins. A URL is a sequence of characters conforming to a standardized format, that is used for referring to resources on the Internet by their location. <http://en.wikipedia.org>.

A URL is incapable of providing audio or video and does not play to provide audio or video as it is received. A URL simply points to Internet locations. Locating a multimedia stream allows the playback of multimedia. Locating a URL provides an Internet address. Dillon does not teach querying a cache or server system for multimedia streams.

Claim 15 further recites a query response that comprises matching multimedia streams. As Dillon does not teach searching for multimedia streams, Dillon also does not teach a response that includes multimedia streams. Instead, Dillon teaches locating URLs.

Anticipation under section 102 is proper only if the reference shows exactly what is claimed. Titanium Metals Corp. v. Banner, 778 F.2d 775, 780, 227 USPQ 773, 777 (Fed. Cir. 1985); MPEP § 2131.01. Dillon does not show exactly what is claimed in claims 1, 12-15 and cannot, therefore, anticipate. Reconsideration is respectfully requested.

The remaining claims depend from and include all limitations of either claim 1 or 15 and likewise represent patentable subject matter.

In view of the foregoing, all pending claims are in condition for allowance. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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